

**BEFORE THE ILLINOIS COMMERCE COMMISSION**

**Docket No. 02-0365**

**Direct Testimony of Craig Mindell  
On Behalf of Ameritech Illinois**

**Ameritech Illinois Exhibit 5.0**

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**DIRECT TESTIMONY OF CRAIG MINDELL**

**ON BEHALF OF AMERITECH ILLINOIS**

**I. INTRODUCTION AND PURPOSE OF TESTIMONY**

**Q. Please state your name and business address.**

A. My name is Craig S. Mindell. My business address is Three Bell Plaza, Room 710,  
Dallas, Texas, 75202.

**Q. By whom are you employed and what is your position?**

A. I am employed by SBC Management Services, Inc. ("SBC") as Area Manager –  
Interconnection.

**Q. What are your present responsibilities?**

A. I am currently responsible for network interconnection issues and contract negotiation  
support in the network regulatory organization. My responsibilities include the  
presentation, explanation and justification of the company's network interconnection  
positions before regulatory and legislative authorities. I also provide technical support to  
the Legal and External Affairs Departments and participate in interconnection contract  
negotiations.

**II. EDUCATIONAL BACKGROUND AND PROFESSIONAL EXPERIENCE**

**Q. What is your educational and professional background?**

A. I graduated from Washington University in St. Louis with a Bachelor of Arts, major in Urban Studies, concentration in statistics and econometrics. As an SBC employee I've supervised and received training in the functions of switch translations, access services sales and billing support, network services forecasting, project management functions and facilities construction pricing. I have developed and held training seminars for employees and customers of Southwestern Bell in access and cellular service functions and pricing. I've worked with SBC companies 25 years, and in management for 22 of those years.

**Q. Have you previously testified before the Illinois Commerce Commission?**

A. I participated in an arbitration hearing with Level 3 and in the 790 rulemaking docket, in 2000, and in arbitration hearing with TDS and the Illinois Tariff ICC No. 20 Tariff filing, both in 2001. I participated as well in the AIT-GNAPs arbitration earlier this year.

**III. PURPOSE OF TESTIMONY**

**Q. What is the purpose of your testimony?**

A. The purpose of my testimony is to offer a response, from a network viewpoint, to portions of the direct testimony submitted on behalf of Globalcom by Eric Wince and Roger Wurster.

43 **Q. What network services do you wish to discuss?**

44 A. Mr. Wince and Mr. Wurster discuss DS1 and DS3 access services that have been  
45 provided to Globalcom under interstate Tariff and interstate pricing.  
46

47 **Q. What is a DS3 access service?**

48 A. DS3s are facilities (generally fiber) which carry a large stream of data (44 megabits per  
49 second) from one place to another. If the equipment on each end of the DS3 is placed to  
50 convert the data stream to voice, a DS3 can process 672 simultaneous conversations.  
51 DS3s may also carry the data from computer to computer, where the data is interpreted as  
52 written text, pictures, or sound.  
53

54 **Q. What is a DS1 service?**

55 A. A DS1 service is a channel of a DS3 service, which carries 1.544 Megabits per second, or  
56 24 simultaneous voice conversations. 28 DS1s fit on a DS3. When a customer pays for a  
57 DS3 and muxing, he has paid for the 28 DS1s.  
58

59 **Q. How do customers order DS3 services?**

60 A. DS3s may be ordered from interstate or intrastate Access Tariffs. The pricing for DS3  
61 and its jurisdiction is based on how it is ordered, which should be based on how it is to  
62 be used.  
63

64 **Q. How does a customer assess whether to order the service under an interstate or**  
65 **intrastate tariff?**

66 A. Each individual conversation/connection on the DS3 is interstate or intrastate based on  
67 the location of the end users or end users' equipment on each end of the  
68 conversation/connection. The DS3, and any other non-switched access service is then  
69 considered interstate or intrastate based on how much of the traffic over the DS3 is  
70 interstate or intrastate. Under criteria established by the Federal Communications  
71 Commission ("FCC"), a special access circuit is considered to be interstate and within the  
72 exclusive jurisdiction of the FCC if the circuit carries more than a de minimus amount  
73 of interstate traffic. The FCC has ruled that circuits on which interstate traffic exceeds  
74 10% of the total traffic over the circuit is an interstate circuit within the FCC's exclusive  
75 jurisdiction. Thus, special access circuits that carry a significant amount of local or  
76 intrastate non local traffic can still be jurisdictionally interstate.

77  
78 **Q. What is the jurisdiction issue you wish to address?**

79 A. I address the question that follows: Given that Globalcom ordered access DS3 service,  
80 did Globalcom order from the correct Tariff? In general my answer is that I believe  
81 Globalcom did so. None of the facts offered in Globalcom's testimony shows otherwise.  
82 In fact Globalcom's testimony, combined with what I know of switching, trunking and  
83 access services, supports the contention that the circuits are properly tagged as interstate  
84 in nature.

85  
86 **Q. Mr. Wince states that "although the initial circuits we ordered to turn up the DMS**  
87 **250 were interstate circuits, the majority of the circuits after the initial network**  
88 **deployment were direct connections between end users and Globalcom's DMS 100**

**local exchange switch and connection to Ameritech's tandems for local call origination and termination." (Wince Testimony., p. 8). Do you have any comments in response to Mr. Wince's testimony in this regard?**

A. Yes. It is not clear exactly what point Mr. Wince intends to make by this assertion. If it is Mr. Wince's assertion that those circuits which directly connect end users and the DMS 100 side of the switch are by definition jurisdictionally local or intrastate, however, I disagree.

**Q. Please explain.**

A. The circuits described by Mr. Wince are not used exclusively for intrastate service. Although Globalcom has ordered some circuits out of the Illinois tariff, most of the special access circuits have been ordered by Globalcom out of the FCC tariff. To order out of the FCC tariff, the customer is required to certify that more than 10% of the traffic carried over the switch is interstate traffic. This means that as Globalcom ordered circuits into the DMS 100, they ordered them as having at least 10% interstate traffic.

**Assuming that Mr. Wince's description of the network is correct, does it necessarily follow that the circuits purchased to establish "direct connections between end users and Globalcom's DMS 100 local exchange switch and connections to Ameritech's tandems for local call origination and termination" are used exclusively for intrastate or local communications?**

110 A. No. Based on my review of Mr. Wurster's testimony describing the Globalcom network,  
111 the circuits connected to the DMS 100 side of the switch carry interstate, intrastate and  
112 local traffic.

113

114Q. **What kinds of calls coming into the "local" side of a switch are interstate?**

115A. Any call processed by the Globalcom switch that ultimately connects end users in two  
116 different states are interstate calls. If a Globalcom Illinois user is having a voice  
117 conversation with someone physically located anywhere outside Illinois, the call is  
118 interstate. If a Chicago Globalcom customer is "surfing the web," and viewing  
119 information that resides in a computer server outside of Illinois, his call is interstate. In  
120 fact, the FCC in the ISP remand order 01-131 rules that ISP processed calls are interstate  
121 in nature when in the first paragraph it states, "...we reaffirm our previous conclusion  
122 that traffic delivered to an ISP is predominantly interstate access traffic subject to section  
123 201 of the Act." *In the Matter of Intercarrier Compensation for ISP-Bound Traffic*,  
124 *Docket No. 99-68, Order on Remand and Report and Order*, FCC 01-131, 16 FCC Rcd  
125 9151 (released April 27, 2001).

126

127Q. **Are Globalcom's DS3 circuits properly jurisdictionalized as interstate?**

128A. I have no reason to question the accuracy of Globalcom's certification that the circuits  
129 which has purchased out of the FCC tariff are jurisdictionally interstate. As long as at  
130 least 10% of the traffic on any Illinois DS3 is any of the following--internet type data, or  
131 callers and computers located outside of Illinois- the circuits are properly  
132 jurisdictionalized as interstate.



133

134Q. **Does Globalcom's description of its switch lead you to believe that one side of it**  
135 **would tend to have intrastate DS3s instead of interstate?**

136A. No. Mr. Wurster describes how the switch handles interstate calls on the so called  
137 "Local" side, when he says, "'Globalcom has also leased a DS3 at the near end office  
138 Tandem which transports the call to the OC48 SONET Ring and after going through  
139 Ameritech's ADM (Add Drop Multiplexer), the call terminates at the Globalcom switch  
140 port on the DMS 100 side of the switch. At that point, the switch software determines  
141 whether the call is local or long distance. If it is local, then the DMS 100 processes the  
142 call. If the call is intra or interstate, then it is handed off to the DMS 250 for processing."  
143 This indicates that the calls carried over the special access circuits connected to the DMS  
144 100 include calls that are interstate. Additionally, diagrams provided by Globalcom  
145 during discovery show trunk groups from Ameritech Illinois tandems for Interexchange  
146 (InterLATA) Carrier traffic into the local side of the switch.

147

148Q. **Are there other indications of interstate traffic being processed by the local side of**  
149 **the Globalcom switch?**

150A. Yes. Mr. Wurster indicates that rearrangements would need to take place to specialize  
151 local traffic on specific DS3s to meet a test less stringent than the one that determines  
152 whether a dedicated access service is interstate or intrastate. He states "Globalcom will  
153 not undertake the expense of reconfiguring its circuits so that all of the circuits on a large  
154 number of its DS3s will contain circuits used exclusively for local circuits that comply  
155 with the FCC Local Use Test unless it is necessary."

156

157Q. **How stringent is the local use test?**

158A. Deborah Fuentes Niziolek discusses the FCC's tests for determining whether a dedicated  
159 circuit carries a sufficient amount of local traffic to qualify for conversion to EELS.  
160 Under those tests, the amount of local traffic can be significant, and still be less than  
161 90%. Thus, the test that Globalcom would have to meet to convert its circuits to EELs is  
162 less stringent than the test for determining whether the special access service being  
163 converted is within the intrastate jurisdiction.

164

165Q. **Is it possible to fail the local use test (as Mr. Wurster says Globalcom's current  
166 configuration does) and still pass the intrastate test?**

167A. It is remotely possible. For the DS3s to be intrastate, but not local, they would have to  
168 have 90% intrastate toll traffic (less an insignificant amount of local). Given that a single  
169 DS3 handles 672 voice paths, it would be hard to imagine a pattern on even one DS3  
170 skewed so heavily away from local and toward intrastate at the same time.

171

172Q. **Please summarize your testimony.**

173A. Ameritech Illinois offers Globalcom data pipes over which Globalcom passes calls. The  
174 calls are local, intrastate or interstate on a call by call basis, as determined by where the  
175 end users are in relation to each other. From Ameritech Illinois' perspective, each pipe  
176 (DS3) is interstate as long as at least 10% of the traffic on that pipe is interstate. For  
177 purposes of determining the jurisdiction of special access circuits, internet calls are  
178 interstate. Long distance calls made to places outside the state a caller is calling from is

179 interstate. Ameritech Illinois' DS3 pipes between Globalcom's "local" customers and its  
180 DMS 100 side of the switch could easily have 10% or more interstate traffic, and  
181 appropriately be considered of interstate jurisdiction.

182

183Q. **Does that conclude your testimony?**

184A. Yes.